

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

The Examiner is thanked for the courtesies extended during the interview held at the Examiner's office on April 27, 2004. Based on the discussions during the interview regarding the Examiner's misunderstanding concerning the meaning of the claim 1 terminology, i.e., "a color chip", Applicant requested reconsideration of the subject application. Applicants directed the Examiner's attention to page 8, lines 7-8, describing "a color chip".

Based on the description in the specification at page 8, lines 7-8, stating that "a color chip [is] (for example, a color chip selected from a standard color atlas for paints)," it is believed that a person of ordinary skill in the art at the time would understand the meaning of the claim 1, 11, and 12 term "color chip." The Examiner is reminded that the test for definiteness is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Based on the foregoing, the Examiner has failed to show why a person of ordinary skill would not understand what is claimed in light of the specification. Applicants further request the Examiner to provide the analysis the Examiner performed in determining that the phrase "color chip" used in the claim is vague and indefinite. Based on the foregoing, the objections and rejections should be withdrawn.

Claims 1-4 and 6-21 remain pending. Claims 1, 11, and 12 have been amended in accordance with discussions held during the interview. New claims 22-26 have been amended to secure an appropriate scope of protection to which applicant is believed entitled. Based on the terminology misunderstanding and the foregoing amendments to claims 1, 11, and 12 it is believed that claims 1-4 and 6-26 are patentable over the applied references either singly or in combination.

The rejection of claims 1-4, 6-7, 9-18, and 20-21 under 35 U.S.C. 103(a) as being unpatentable over Rolleston (U.S. Patent 5,483,360) in view of Syeda-Mahmood (U.S. Patent 6,469,706) and the rejection of claims 8 and 19 under 35 U.S.C. 103(a) as being unpatentable over Rolleston in view of Washio (U.S. Patent 5,109,274) are believed overcome in view of the above amendments and resolution of the Examiner misunderstanding. Further, the Examiner has

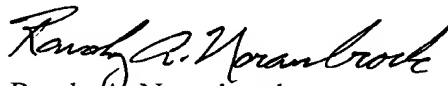
failed to identify a teaching in any of the applied references of "data identifying a color chip and data of user-specified differences" as claimed in claims 1, 11 and 12. Withdrawal of the rejection is respectfully requested.

The rejection of claims 1, 11, and 12 under 35 U.S.C. 112, second paragraph, as being indefinite is believed overcome in view of the above amendments and Examiner misunderstanding regarding the meaning of the terminology "a color chip." Withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP


Randy A. Noranbrock
Registration No. 42,940

USPTO Customer No. 22429
1700 Diagonal Road, Suite 300
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
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KMB/RAN/iyf